RAMAKANT D. KHALAP): (a) to (d) Yes, Sir. A proposal for the amendment of the Code of Civil Procedure, 1908 and the Limitation Act, 1963 towards judicial reforms is under active consideration of the Govemment and a Bill in this regard may be brought soon before the Parliament.

Definition of Public servant under the PCA

406. SHRI O.P. KOHLI: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether different High Courts have given different verdicts about whether the MPs and MLAs come under the definition of public servants in the prevention of Corruption Act (PCA);

(b) if so, whether instead of the reported move to amend the PCA for excluding the legislators from its purview, Govemment will seek the verdict of a special Supreme Court bench in this regard and if not, the reasons therefor; and

(c) whether the exclusion of the legislators from the purview of the PCA (as public servants) will lead to unbridled corruption in public life?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) The Orissa High Court in its judgement dated S.S.I993 in Criminal Miscellaneous case No. 1253 of 1991 have held that MLAs are public servants in terms of the prevention of Corruption Act, 1988. The Supreme Court while disposing of the appeal challenging the Orissa High Court Judgement did not pass any specific order on this aspect. The judgement of Orissa High Court in this matter still holds good.

(b) There is no proposal, at present, to amend the PCA, 1988.

(c) Does not arise.

Empowering the Election Commission with rule nuking powers

407. MISS SAROJ KHAPARDE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that in a recent conference of Chief Electoral Officers of the States a demand was raised to empower the Election Commission with rule making powers to regulate the elections; and

(b) so, the reaction of Government thereto?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(c) The Government does not favour the proposal.

Recommendations of Law Commission of India

408. PROF. RAM KAPSE: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Law Commission of India has recommended a number of changes in the provisions of the code of Criminal Procedure, 1973, dealing with offences against women and special protection to them against exploitation and harassment;

(b) if so, the details thereof; and

(c) the action taken or proposed to be taken in the matter?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) Yes, Sir.

(b) The details of the recommendations are contained in Chapter XXII of the 154th Report of law Commission laid on the Table of the House on 20.12.1996.

(c) The report is being examined with a view to implementing the recommendations contained therein.

जनप्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने का प्रस्ताव

409. **श्री रामगोपाल यादव :** क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि

(क) क्या सरकार चुनाव प्रक्रिया में पारदर्शिता लाने तथा स्वतंत्र एवं निष्पक्ष चुनाव कराने के लिये जनप्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने के लिये कोई विधेयक लाने पर विचार कर रही हैं;

(ख)यदि हां, तो उक्त विधेकय की रूपरेखा क्या हैं या क्या होगी और सरकार यह विधेकय कब तक लायेगी, और यदि नहीं, तो इसके क्या कारण हैं;

(ग)क्या निर्वाचन आयोग ने सरकार से जनप्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने का अनुरोध भी किया हैं; और

(घ)यदि हां, तो उक्त अनुरोध पर सरकार की क्या प्रतिक्रिया हैं और सरकार का इस पर क्या और कब तक कार्यवाही करने का विचार हैं;

विधि और न्याय मंत्रालय के राज्य मंत्री (श्री रमा कान्त डी. खलप) : (क) से (घ) निर्वाचन आयोग ने लोग प्रतिनिधित्व अधिनियम, 1951 की धारा 77 (1) के अधीन स्पष्टीकरण-। को हटाए जाने और साथ ही निर्वाचन व्यय की अधिकतम सीमा का पुनरीक्षण करके उसे बढ़ाए जाने का प्रस्ताव किया हैं । यह निर्वाचन सुधारों के संबंध में उन प्रस्तावों में से हैं, जिनपर सरकार राजनैतिक दलों के साथ चर्चा कर रही हैं । तथापि, निर्वाचन आयोग ने न ता लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 77 को निरसित करने की मांग की हैं और न ही सरकार इस पर विचार कर रही हैं ।

Pending cases for final decision in the Delhi High Court

410. SHRI PARMESHWAR KUMAR AGARWALLA: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that a number of cases relating to service matters, have been pending, for final decision, in the High Court of Delhi;

(b) out of these cases, how many such cases have been disposed of during 1996 and upto date;

(c) what has been generally the maximum and minimum period taken on hearing each case after issuing the rules/admitting the same for final disposal;

(d) whether considering this as a welfare measure, any steps have been taken by the Hon'ble Court for the speedy disposal of CWP in service matters after issues of rule/admission; and

(e) if so, the details thereof?

THE MINISTER OF STATE OF THE MINISTRY OF LAW AND JUSTICE (SHRI RAMAKANT D. KHALAP): (a) and (b) As on 1.1.1996,5930 Writ Petitions relating to service matters were pending in Delhi High Court Out of these, 575 writ petitions were disposed of during the period from 1 st January to 30th June, 1996.

(c) It is not possible to indicate the maximum and minimum period taken on hearing each case. However, out of 5722 cases pending in Delhi High Court as on 30th June, 1996, 1385 cases were pending for over ten years and 52 cases were pending for less than one year.

(d) and (e) The High Court of Delhi has informed that the following steps have been taken for the speedy disposal of pending cases:

(i) Cases involving same or similar questions are grouped together and listed before Court for disposal.

(ii) The cases are being listed before Courts Act-wise and Section-wise.

(iii) The Court has fixed one day in a week exclusively for hearing of old cases by all Division Benches/Single Benches.

(iv) A Cell manned by senior officers has been created for classification and grouping of pending as well as new cases. This Cell is preparing brief notes, especially in old cases, stating facts, points in issue, the case law and the precedents applicable. In this way, large number of grouped cases are being listed as batch matters and these are being disposed of by a common judgement.

(v) The rules relating to hearing of writ petitions have been amended providing for admission and final hearing by Single Benches. This will expedite disposal of these matters.

लोक प्रतिनिधित्व अधिनियम की धारा 77 को रद्द करने का प्रस्ताव

411. **श्री ईश दत्त यादव :** क्या विधि और न्याय मंत्री यह बताने की कृपा करेंगे कि :

(क)क्या सरकार चुनाव प्रक्रिया को स्वच्छ, स्वतंत्र एवं निष्पक्ष बनाने के उद्देश्य से लोक प्रतिनिधित्व अधिनियम की धारा 77 को निरसित करने के लिये कोई विधेयक लाने पर विचार कर रही हैं;